

## **THE DIOCESE OF NEWCASTLE (RESPONSIBLE PERSON) ORDINANCE 2015**

Be it ordained by the Diocesan Council in accordance with the Synod (Delegation of Powers) Ordinance 2009 as follows:

### **1. Title**

This Ordinance may be cited as the DIOCESE OF NEWCASTLE (RESPONSIBLE PERSON) ORDINANCE 2015.

### **2. Definitions**

In this Ordinance, unless contrary intention appears -

- a. ACNC – means the Australian Charities and Not for Profits Commission or any successor body to that Commission.
- b. governance body – means the Trustees of Church Property, the Diocesan Council, the board, council, committee of any organisation, school, or activity established by Ordinance of Synod.
- c. member – means the member of a governance body.

### **3. Overarching purpose**

The purpose of this Ordinance is to ensure that members of governance bodies in the Diocese are aware of their duties as a responsible person and that a person not fulfilling the duties of a responsible person can be removed from office.

### **4. Duties of a Responsible Person**

A responsible person in the Diocese of Newcastle shall

- (a) Fulfil the duties of a responsible person as defined by the ACNC;
- (b) Comply with the standards outlined in any code of conduct established in accordance with the Professional Standards Ordinance 2012;
- (c) Comply with expectations of behaviour in our church community as established by the General Synod and adopted in this Diocese;
- (d) Use their best endeavours to ensure that the governance body undertakes its affairs in accordance with the Canons, Ordinances, Rules and Policies of the Diocese.

### **5. Education on the duties of responsible persons**

- (a) The Diocesan Business Manager shall advise each governance body of the duties of responsible persons at least once in each calendar year and otherwise as required.
- (b) The governance body shall ensure that each of its members is reminded of the duties of responsible persons at least once in each calendar year and otherwise as required.

### **6. Responsible Person**

- (a) Every governance body shall at least once each year and otherwise as required obtain a responsible person's declaration from each member of the governance body in the format required by the ACNC.

## 7. Removal from office

- (a) The Bishop may remove a member from a governance body, specified governance bodies or from all governance bodies before the expiration of the member's term of office by notice in writing to that member where the Bishop
  - (i) is advised that a member has not submitted a responsible person's declaration when required to do so by the governance body; or
  - (ii) is advised that a member have been disqualified by the ACNC in the past year, or is disqualified from managing a corporation within the meaning of the *Corporations Act 2001* (Cth); or
  - (iii) forms the view that a member is not fulfilling the duties of a responsible person; or
  - (iv) forms the view that a member is not a fit and proper person to be a member.
- (b) A member is suspended from a governance body or governance bodies specified by the Bishop with immediate effect from the date the Bishop gives notice in accordance with section 7(a).
- (c) Where the member is not an ex-officio member the member may within fourteen days of the notice from the Bishop submit in writing (not exceeding a reasonable length) that the decision of the Bishop should be varied by the Diocesan Council at its next ordinary meeting. The submission should be made to the Diocesan Business Manager.
- (d) The submission of any member in accordance with section 7(c) shall be circulated to every member of the Diocesan Council prior to the next ordinary meeting.
- (e) The Diocesan Council shall review the submission of the member together with such information as the Bishop puts to the meeting.
- (f) The Diocesan Council may by resolution approved by two thirds of the members present and voting vary the decision of the Bishop to remove an elected or appointed member.
- (g) The decision of the Diocesan Council shall be final.

## 8. Cessation of Membership

- (a) The member shall cease to be a member of a governance body or governance bodies as declared by the Bishop where
  - (i) the member not being an ex-officio member does not make a submission in accordance with section 7(2); or
  - (ii) the member not being an ex-officio member makes a submission but the Diocesan Council at its next ordinary meeting does not resolve to vary the decision of the Bishop; or
  - (iii) the member being an ex-officio member resigns, retires or is otherwise removed from the office giving rise to ex-officio membership.
- (b) The cessation of membership in accordance with this Ordinance shall constitute a vacancy for the purpose of any ordinance of Synod whether or not such ordinance makes provision for a vacancy to occur in this manner.

- (c) The member may not be elected or appointed to any governance body
  - (i) whilessoever they are a disqualified person for the purposes of the ACNC, or
  - (ii) if the person is not a disqualified person for the purposes of the ACNC for a period of two years or such lesser period determined by the Bishop at the time the person is removed from office.

#### **9. Powers of the Bishop**

The Bishop may

- (a) rescind a decision to remove a member from office at any time,
- (b) permit a person, who has been removed from office, to be elected or appointed to a governance body, if the person is not a disqualified person for the purposes of the ACNC,
- (c) seek such assistance as the Bishop requires in making a decision in accordance with this Ordinance, and/or
- (d) do all such things as are necessary to ensure that the overarching purposes of this Ordinance are fulfilled.

**I HEREBY CERTIFY** the Ordinance as printed is in accordance with the Ordinance as reported.

**PASSED BY DIOCESAN COUNCIL** on the **30th** day of **April 2015**.